

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICK J. GAGE,

Plaintiff,

v.

ORDER

WISCONSIN DEPARTMENT OF CORRECTIONS,
JOAN HANNULA and JAMIE BARKER,

21-cv-651-jdp

Defendants.

Pro se plaintiff Patrick J. Gage is proceeding on claims under the Eighth Amendment and the Rehabilitation Act regarding the alleged failure of the Wisconsin Department of Corrections and prison staff to accommodate his hearing impairment. Gage moves for leave to amend his complaint to add a “Jane Doe” defendant to his Eighth Amendment claim based on defendants’ answer to an interrogatory that an unnamed medical program associate may be responsible for Gage not receiving a hearing aid when he should have. Dkt. 16. Defendants don’t oppose the motion, so the motion is GRANTED, Gage’s second amended complaint, Dkt. 17, is accepted as the operative pleading, and Gage is granted leave to proceed against Jane Doe on a claim that Doe violated the Eighth Amendment by refusing to provide Gage with his hearing aid.

Gage previously submitted an interrogatory to defendants to identify the name of the medical program associate, but defendants objected on the ground that Gage didn’t have any claims against the associate. Dkt. 16-2, ¶ 1. Defendants may have until January 31, 2023, to provide Gage with a substantive response to that interrogatory.

In light of the new claim and defendant, the February 10, 2023 deadline for filing dispositive motions is no longer feasible. So the schedule is STRUCK, and the clerk of court is

directed to set a new scheduling conference before Magistrate Judge Stephen Crocker sometime after January 31 to: (1) set a deadline for Gage to amend his complaint to identify the Doe defendant and (2) set the remainder of the schedule, including a new deadline for dispositive motions and a trial date.

Entered January 17, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge